

08-12-04

ffw REC
1645



BUCKET NO.: CHIR-0158

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Covacci, et al.

Application No.: 09/360,934

Filing Date: July 26, 1999

For: Helicobacter Pylori Cytotoxin Proteins Useful For Vaccines And Diagnostics

Confirmation No.: 4878

Group Art Unit: 1645

Examiner: S. Devi

EXPRESS MAIL LABEL NO: EL970387263US
DATE OF DEPOSIT: August 11, 2004

EL970387263US

☒ Mail Stop AF ☐ Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT
TO 37 CFR § 1.114**

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the
above-identified application.

1. Submission required under 37 CFR § 1.114

☐ Previously submitted

☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously
filed on . (Any unentered amendment(s) referred to above will
be entered).

☐ Consider the arguments in the Appeal Brief or Reply Brief previously
filed on .

☐ Other: .

☒ Enclosed

☒ Amendment/Reply under 37 CFR § 1.116

08/13/2004 HRL111 00000031 09630934

770.00 OP
950.00 OP

01 FC:1801
02 FC:1253

- ☐ Affidavit(s)/Declaration(s)
- ☐ Information Disclosure Statement (IDS)
- ☐ Other:

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of _____ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) required)

FEE CALCULATION:

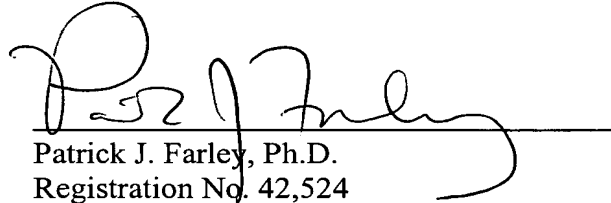
				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$385.00	\$	\$770.00	\$770.00
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	30	(20 MINIMUM) 97	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	4	(3 MINIMUM) 5	0	\$43 EACH	\$	\$86 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$950.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$1005	\$	\$2010	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
TOTAL FEE DUE					\$		\$1,720.00

- ☒ A check in the amount of **\$1,720.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$.00 . This sheet is attached in duplicate.
- ☒ A response to the Final Office Action dated February 25, 2004 was due on May 25, 2004. Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from May 25, 2004 to and through August 25, 2004 comprising an extension of the shortened statutory period of three (3) month(s).

- ☐ A Notice of Appeal was filed . An Appeal Brief is due on . Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from to and through comprising a total extension of month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: August 11, 2004


Patrick J. Farley, Ph.D.
Registration No. 42,524

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

DOCKET NO.: CHIR-0158
Application No.: 09/360,934
Office Action Dated: February 25, 2004

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Antonello Covacci, Massimo Bugnoli,
John Telford, Giovanni Macchia, Rino
Rappuoli**

Confirmation No.: 4878

Application No.: 09/360,934

Group Art Unit: 1645

Filing Date: July 26, 1999

Examiner: Devi, S.

For: **Helicobacter Pylori Cytotoxin Proteins Useful for Vaccines and Diagnostics**

EXPRESS MAIL LABEL NO: EL970387263US
DATE OF DEPOSIT: August 11, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY PURSUANT TO 37 CFR § 1.116

In response to the Official Action dated **February 25, 2004**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☒ **Amendments to the Specification** begin on page 2 of this paper.
- ☒ **Amendments to the Claims** are reflected in the listing of the claims which begins on page 3 of this paper.
- ☐ **Amendments to the Drawings** begin on page _____ of this paper and include an attached replacement sheet.
- ☒ **Remarks** begin on page 6 of this paper.